

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO. 20565 OF 2003

Between:

Mitta Kistaiah and others Petitioners

And

S.Sreenivasulu and others Respondents

THE HONOURABLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO. 20565 OF 2003

ORDER:

This writ petition is filed, seeking Writ of Mandamus, to direct the respondent 2 to 5, to restrain the first respondent from encroaching and interfering with the petitioners' land covered by Survey Nos.1/8,1/9,1/10 and 1/11, totally admeasuring Ac.20-00 situated in Peddamandyam village and Mandal of Chittoor District.

Different counter affidavits have been filed on behalf of the respondents.

In view of the stand taken by the respondents, except some factual disputes, no other questions arise for consideration in this writ petition. So far factual disputes are concerned, it is fairly well settled, that the same cannot be decided in the writ petition, which is filed under Article 226 of the Constitution of India. In that view of the matter, no relief can be granted to the petitioners, having regard to the stand taken by the respondents in their counter affidavits.

Keeping it open for the petitioners to raise such questions before competent Civil court having jurisdiction, the Writ petition is dismissed. No order as to costs.

JUSTICE R.SUBHASH REDDY

06th January, 2006

Stp/Msnr